**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE M.N.KRISHNAN**

**FRIDAY, THE 30TH NOVEMBER 2007 / 9TH AGRAHAYANA 1929**

**Tr.P(C).No. 226 of 2007**
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**OP.465/2007 OF FAMILY COURT, PALAKKAD**
**.....**

**PETITIONER:**
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**K.B.BEENA, D/O RADHA,**
**K.B VIHAR, P.O.PUTHUKKAD,**
**RAMANATTUKARA, MALAPPURAM DISTRICT.**

**BY ADV. SRI.G.SHRIKUMAR,**
**SRI.SREEJITH S.NAIR.**

**RESPONDENTS:**
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1. **SANTHAKUMAR, S/O LAKSHMIKUTTY AMMA,**
   **VALIYAKELATH, EDAPPATTU HOUSE,**
   **OTTAPPALAM P.O., PALAKKAD DISTRICT.**

2. **LAKSHMIKUTTY AMMA,**
   **W/O LATE P.RAMAN NAIR, VALIYAKELATH,**
   **EDAPPATTU HOUSE, OTTAPPALAM P.O.,**
   **PALAKKAD DISTRICT.**

**BY ADV. SRI.SANTHEEP ANKARATH.**

**THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/11/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**M.N. KRISHNAN, J.**

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**Tr.P.C. NO. 226 OF 2007**

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**Dated this the 30th day of November, 2007.**

**J U D G M E N T**

This Transfer Petition is filed for transferring OP 465/07 pending before the Family Court, Palakkad to Family Court, Malappuram to be tried along with OP 558/07 and MC 608/07. The wife is the petitioner and she has filed two applications before the Family Court, Malappuram for maintenance as well as for return of money etc. Meanwhile, husband has filed an application for divorce before the Family Court, Palakkad. It is desirable that all these cases are tried together by one Court. Then, the only question is the comparative hardship. It is submitted by the wife that she is finding it very difficult to go to Palakkad to attend the case and there is nobody to accompany her also and especially the mother being made a party, the mother find it difficult to travel 100 kilometers. I am informed that the husband is

working in U.A.E. Considering the comparative hardship, I feel that leniency can be shown towards the wife and therefore I transfer OP 465/07 pending before the Family Court, Palakkad to the Family Court, Malappuram to be tried along with the O.P.558/07 and M.C.608/07. Needless to say that the Family Court shall not insist for the presence of the persons unless it is really warranted and if an application is made on genuine grounds for exemption, that be allowed.

The Tr.P.C. is disposed of accordingly.

**M.N. KRISHNAN, JUDGE.**

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